

TOWN OF SOUTH BETHANY TOWN COUNCIL REGULAR MEETING MINUTES SEPTEMBER 9, 2011

ATTENDANCE

PRESENT: Mayor Jay Headman; Councilpersons John Fields, Pat Voveris, Al Rae, Sue Callaway, George Junkin, and Jim Gross; Town Manager Melvin Cusick; M/Cpl. Lee Davis; and Administrative Assistant Pam Smith

MEETING CALLED TO ORDER

Mayor Headman called the September 9, 2011, Town Council Regular Meeting to order at 7:00 p.m., followed by the Pledge of Allegiance to the Flag.

In observance of the tenth anniversary of 9/11, Mayor Headman stated that nearly 3,000 innocent people lost their lives on September 11, 2001, and over 3,200 children lost a parent. The Mayor and Council asked the attendees to join them in a moment of silence to honor those who died from the attacks and also honor the memory of all the men and women of the Armed Forces who have died fighting to keep our country safe.

PROPERTY OWNERS' PARTICIPATION

- Carolyn Marcello (8 S. 9th St.) – Gave thanks to the Lord for his protection over this area during the hurricane.
- Mike Matera (311 W. 9th St.) – Complained that the town park does not look nice and asked why the Town does not get prisoners to clean up the park. The Town Manager stated that the Town could not get any state prisoners because the State used the prisoners for clean up of the beaches as well as other areas around the state after the hurricane. He stated that the Maintenance Staff is going to clean up the park once the water goes down.
- Jack Wise (146 Evergreen Rd.) – Inquired where the Town puts notification of a change in date or time of a Town Council Meeting. Mr. Wise stated that he did not see the change to the August Town Council Regular Meeting advertised anywhere. The Administrative Assistant stated that the notice was in a News Update. Mr. Wise asked if you have to have a computer in order to find out when the Town changes things. The Administrative Assistant stated that the change was posted on the bulletin boards around the Town. Mayor Headman stated that he understands the gist of Mr. Wise's complaint and added that the Town does try to advertise when a change is made. Mr. Wise added that it is like the change in the yard waste pickup. He did see that advertised in the newspaper, but if you don't get the newspaper you don't know. Mr. Wise stated that he would rather the Town follow the usual schedule – the same time all the time. Regarding the change to the August Town Council Regular Meeting, Mayor Headman stated that for that particular meeting Council Members had conflicts with the original scheduled meeting date and felt it was important with the task that Council had to move the meeting to another day. Mayor Headman stated that the yard waste pickup was changed due to the hurricane. Mayor Headman stated that he understands Mr. Wise's complaint, and the Town will look at different ways to communicate changes.
- Mike Matera (311 W. 9th St.) – Asked why the Town can't put up signs that say "walk facing traffic, ride your bicycle with traffic". He asked which signs are more important – the "do not feed the water fowl" signs or "walk facing traffic, ride your bicycle with traffic" signs. Mayor Headman stated that the Town tries not to put up a lot of signs and it is a choice the Town has to make. Even if the Town put up a hundred signs, some people would continue to walk

on whatever side of the road they want to. Mr. Matera noted that a couple of years ago he had submitted a petition/letter with 35 to 40 signatures from people in Cat Hill requesting a sidewalk down Canal Dr. from Tamarack to Russell Rd. As Mayor Headman had shared with Mr. Matera two months ago at a Town Council Regular Meeting, Mayor Headman stated that the Town only had so much money and Council decided to use it in another location.

- Ed Nazarian (20 Peterson Dr.) – Inquired what the Town pays per hour to have yard waste removed, and does the Town have any idea what it is going to cost each individual property owner at the end of this period before the Town gets a new contract. Mayor Headman stated that the Town is over budget regarding yard waste pickup. He stated that the Town will be covering that expense out of the reserve that the Town has for trash. It will not come back to the property owners. During the budget process, Council will be looking at a new yard waste pickup schedule where there will probably have to be more pickups during certain months of the year and maybe none for others (although this has not been decided yet) and it will be a greater cost. The Town will be looking at different companies that are now interested in providing the service – the Town does not want to pay an hourly rate for the pickup. Mayor Headman stated that everyone on Council wants to come up with a schedule that will work better. Mr. Nazarian stated that the yard waste weighs more when it is wet which will affect the cost because the Town pays by the tonnage. The Town Manager said that the Town gets a good deal from Blue Hen Organics on the tonnage disposal as long as there is not trash comingled with the yard waste. It is the labor and equipment expense that is the problem. The Town Manager reported that for the September pickup no plastic bags were used and no trash was comingled with the yard waste.
- Jack Wise (146 Evergreen Rd.) – Stated that the Town's maintenance person went by his property on the lawnmower and blew everything off the road into his driveway (this happened after Mr. Wise had cleaned up his driveway and property). Mr. Wise asked if the Town ever considered putting a bag on its lawnmowers to catch the debris. The Town Manager said he would check on that.
- Ed Nazarian (20 Peterson Dr.) – In defense of the gentleman who blew the debris into Mr. Wise's driveway, Mr. Nazarian stated that the lined off area for people to walk and ride their bikes on gets so much debris that people trip and will then walk in the road. Mr. Nazarian believes it is a safety issue.
- Mike Matera (311 W. 9th St.) – Asked if there is a reason why the light in front of Town Hall that shines on the flag is on during the daytime. The Town Manager stated that he will check on that – probably the sensor has gone up.

LEADERSHIP REPORTS

- **Mayor's Report**—Mayor Headman reported:

Mayor Headman stated that the town was fortunate to bypass Hurricane Irene the way it did. Mayor Headman thanked the Town Staff, under the leadership of the Town Manager, Melvin Cusick, and Chief of Police, Joe DeLoach, for all the preparations done in anticipation of the storm in order to make it through the storm as safely as possible and for the work done after the storm to get the beach reopened. Mayor Headman thanked the State of Delaware for sending the state prisoners out on the beach to pick up all the debris.

The Southern Delaware Cable Consortium Members have been working to develop a new agreement with Mediacom. The draft agreement is finished and each town will be bringing it back to their Councils to review. The next step after that will be to get the contract to Mediacom and go through negotiations.

- **Town Manager's Report**—Melvin Cusick reported:

Regarding Hurricane Irene, the Town Manager thanked the Maintenance Staff and the Beach Patrol for their work clearing all of the Town's equipment from the beach before the storm and to get the beach opened again on Monday. They did an outstanding job. The Town did incur some expenses from the hurricane. The Town has documented and submitted its expenses to Sussex County, and if there is a FEMA declaration there is a good possibility that the Town would get up to 75% of its eligible costs back.

The Town has been recertified for another year in the Community Rating System. Except for a few properties that are in the X Zone on the flood maps, this recertification gives the Town's residents a 10% discount on their flood insurance.

- **Treasurer's Report**—Pat Voveris reported as of August 31, 2011:

Balance Brought Forward	\$ 1,917,934.72
August Revenue	\$ 74,012.29
August Disbursements	\$ 201,762.21
Balance	\$ 1,790,184.80

The Transfer Tax for August came in at \$29,067.91 which is 123% more than August of FY 2011. For the first four months of the fiscal year (May, June, July, and August) the Town's Transfer Tax revenue for FY 2012 is at a 15% surplus over the FY 2011 figures. The departments are operating within budget. The Town's revenue is at 46% of budget and expenses are at 45% of budget.

- **Police Department Report/Questions**—M/Cpl. Lee Davis reported for the month of August, 2011:

- Overall for the month –
- Four fireworks complaints
 - Seven alarms
 - Theft of services – subjects refused to pay cab fare. Upon police arrival, the subjects agreed to pay the fare in lieu of a criminal arrest.
 - Trespassing Complaint – the subjects were charged for trespassing.
 - Disorderly complaints (loud parties)
 - A minor accident with no injuries.
 - Several storm related complaints (nothing major)

- **Beach Patrol Report**—Capt. Ben Chandlee reported for the month of August, 2011:

There was no Beach Patrol Report because Capt. Ben Chandlee has started his position as a Graduate Assistant Coach for the University of Delaware Swim Team and was unable to attend this meeting. The Town Manager will give a year end Beach Patrol report at the October Town Council Regular Meeting.

Mayor Headman stated that Ben and the lifeguards have done a wonderful job again this year.

COMMITTEE REPORTS

- **Assawoman Canal and Trail Update** – Councilman Rae reported:

The trees that were down blocking the Assawoman Canal have been eliminated and boats can get through again.

The Assawoman Canal Conceptual Trail Plan Review Meeting was held on August 9 at the Ocean View Town Hall. It was a good meeting and well attended. The next step is a public meeting which will be held at the Millville Volunteer Fire Company on Friday, September 30, from 4 p.m. to 6 p.m. Information about the trail, including The Assawoman Canal Trail Concept Plan, is going to be online for citizens to review ahead of time and there will be copies of the plan at the public meeting. There will also be a comment form online for citizens to submit their comments.

The representatives of the towns involved with the trail have agreed to do a resolution endorsing the trail plan. The draft resolution will be presented to the Town Council at the next Workshop Meeting.

The next phase of the project will be an engineering and design phase which could last as long as 12 months depending on how complex it will be. After the engineering and design phase there will have to be a whole new approval process based on that information. If that is agreed to, then the actual work on the trail would begin in the spring of 2013.

Councilman Junkin requested that the link to the Assawoman Canal Trail Concept Plan be posted on the Town's website.

Mr. Roche stated that he has tried to go all the way through the Assawoman Canal twice during medium to high tide in his pontoon boat but has hit bottom both times. He asked if anybody else has complained about bottoming out. Councilman Junkin stated that he has been up as far as the Rusty Rudder three times. It takes about an hour to get through the Canal. He said he may have hit a log or something but not anything serious. His depth gage said he had depth. Mayor Headman stated that Councilman Rae will follow up. Mayor Headman told Mr. Roche to contact DNREC in order to give them more specific information about the incident.

- **Beautification Committee** – Councilwoman Callaway reported:

The Beautification Committee met on August 24 and discussed the Adopt-A-Canal/Road End Program. There are now seven completed "adoptions" and three that are in various stages of the adoption process. There was press coverage regarding the program in the Wave and Delaware News Journal last month. The first annual beauty contest for the adopt program was very successful and the subcommittee will be meeting and will announce the winner of the contest after that.

At the Beautification Committee Meeting, the Committee also discussed the Rt. 1 median project which the Beautification Committee has been working on in conjunction with the Canal Water Quality Committee. Councilman Junkin, Councilwoman Callaway, Mayor Headman, and the Town Manager have been collaborating with the Center for the Inland Bays (CIB) regarding the project.

The \$14,000 tree grant with the Department of Agriculture has been confirmed. Recently the Town applied for a second round of grant money from the Department of Agriculture.

The Town issued an RFP on September 2 to solicit vendors for the landscaping aspect of the bioretention area which will occur after the excavation. If things go according to schedule,

the excavation will begin along Rt. 1 in late September and the landscaping aspects will be planted by October 28. Herbaceous plants will be planted in the spring.

The Committee reviewed some ideas and suggestions from property owners from the survey as well as feedback from the East Side Working Group regarding beautification on Ocean Dr. (the Committee is calling it the Ocean Drive promenade)

The next Beautification Committee Meeting will be September 26, 2011.

- **Budget and Finance Committee** – Councilwoman Voveris reported:

The Budget and Finance Committee was unable to meet in August due to Hurricane Irene. The meeting has been rescheduled to September 23.

- **Canal Water Quality Committee** – Councilman Junkin reported:

Regarding the Rt. 1 median project, Councilman Junkin stated that it is a project that helps water quality while at the same time creating beauty along the Rt. 1 median. The Town was very lucky that Chris Bason of the CIB was able to get \$35,000 from DNREC to help with the project. The CIB is contributing \$12,000. Middlesex and the Town of South Bethany are also contributing money to the project. The Town is contributing money that was already in the FY 2012 budget for beautification. If all goes well with the bids for the project, there will be more done this year to beautify the median than expected. The Town is also very fortunate to have Sue Barton's contribution to the project.

The Canal Water Quality Committee met today. The Committee worked on recommendations that the Town should take on the following topics from the responses to the Town Survey: Canal maintenance, storm water management, maintaining dredged canals for future needs, and aerator diffusers in canals for future needs. The Committee will make recommendations about what the Town should do with these topics, and the Committee will make recommendations of what property owners should do to try to improve the water quality of the canals. The report (Response to Survey Results Relative to Canal Water Quality) will also contain background information. The Committee will meet on the second Friday of October to review the second draft of the report.

- **Planning Commission** – Councilman Gross reported:

The Planning Commission has a meeting scheduled on September 15. Part of the meeting is a hearing for a subdivision of a lot on Brandywine Dr. Also at the meeting, the two new members of the Planning Commission will be installed. The future activities and initiatives of the Planning Commission will be discussed. The Planning Commission will review its responsibilities and bylaws. The Planning Commission will review the 2011 Comprehensive Plan Community Survey Results Report and look at what needs to be done to update the Town of South Bethany Comprehensive Plan. Councilman Gross will ask the Planning Commission to take official action on where they stand in regard to a draft ordinance to amend the Town Code § 145-14.3 (Ground Covering Allowed in Setback Areas). If time permits, Councilman Gross plans to bring the draft ordinance to the Town Council at the September Workshop Meeting.

ADJOURNMENT

A motion was made by Councilman Fields, seconded by Councilman Junkin, to adjourn the September 9, 2011, Town Council Regular Meeting at 7:45 p.m.